

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:19-cv-00013-MR
[CRIMINAL CASE NO. 1:17-cr-00092-MR-WCM-1]

PRESSLEY ANTONIO DAVIS,)
Petitioner,)
vs.) ORDER
UNITED STATES OF AMERICA,)
Respondent.)

THIS MATTER is before the Court *sua sponte*.

On March 4, 2019, the Court entered an Order conducting an initial review of the Petitioner's Motion to Vacate. [Doc. 2]. In the Order, the Court noted that the Petitioner's allegations appeared to be frivolous on their face or, at the very least, barred by the appellate waiver set forth in the Petitioner's Plea Agreement. [Id. at 2]. Nevertheless, the Court granted the Petitioner an extension of time of twenty-one (21) days to amend his motion to vacate in order to more fully articulate his claims or to seek a voluntary dismissal of this action. [Id. at 3]. The Court directed the Clerk to provide the Petitioner with a form used for Section 2255 motions to vacate. The Petitioner was

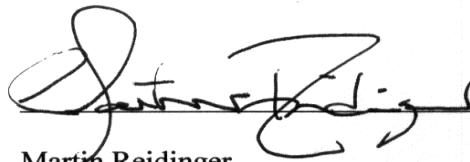
specifically advised that if he failed to file the completed form within 21 days, his Motion to Vacate would be dismissed without prejudice. [Id.].

More than 21 days have passed, and the Petitioner has not filed an amended Motion to Vacate as directed. Accordingly, for the reasons stated in the Court's prior Order, this action is hereby dismissed without prejudice.

IT IS, THEREFORE, ORDERED that Petitioner's Motion to Vacate [Doc. 1] is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed: April 17, 2019



Martin Reidinger
United States District Judge

